

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-145-FDW
(3:15-cr-220-FDW-DSC-2)

LAVON M. WILLIAMS,)
)
Petitioner,)
)
vs.) **ORDER**
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, which was stamp-filed in this Court on March 20, 2018. See (Doc. No. 1). Judgment in the underlying criminal action was entered against Petitioner on May 25, 2017. (Crim. Case No. 3:15-cr-220-FDW-DSC-2, Doc. No. 99: Judgment). Petitioner filed a Notice of Appeal through counsel on May 31, 2017, and his appeal before the Fourth Circuit Court of Appeals is currently pending. (Id., Doc. No. 101). As such, the petition is premature. The Court will, therefore, dismiss the motion to vacate without prejudice to Petitioner to refile the petition after resolution of his direct appeal.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate is **DISMISSED** without prejudice as premature.

Signed: April 23, 2018



Frank D. Whitney
Chief United States District Judge


